

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on March 2, 2001 at 3:00 P.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Al Bishop, Chairman (R)  
Sen. Chris Christiaens (D)  
Sen. Bob DePratu (R)  
Sen. Eve Franklin (D)  
Sen. Don Hargrove (R)  
Sen. Dan Harrington (D)  
Sen. Royal Johnson (R)  
Sen. Jerry O'Neil (R)  
Sen. Emily Stonington (D)

**Members Excused:** Sen. Duane Grimes, Vice Chairman (R)  
Sen. Fred Thomas (R)

**Members Absent:** None.

**Staff Present:** Jeanne Forrester, Committee Secretary  
Susan Fox, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 309, 2/20/2001; HB 354,  
2/20/2001; HB 411, 2/20/2001;  
HJ1, 2/20/2001  
Executive Action: HB 309; HB411; HB354

#### **HEARING ON HB 309**

**Sponsor:** REP. CINDY YOUNKIN, HD 28, BOZEMAN

**Proponents:** Gloria Hermanson, Montana Association of Ambulatory Centers  
Sami Butler, Montana Nurses Association

**Opponents:** None

**Opening Statement by Sponsor:**

REP. CINDY YOUNKIN, HD 28, BOZEMAN introduced HB 309. This bill will extend the health care provider lien laws to ambulatory surgical facilities.

**Proponents' Testimony:**

Gloria Hermanson, Montana Association of Ambulatory Centers said the only reason these surgery centers were not included in the Lien Act is because they did not exist when the Lien Act was enacted.

Sami Butler, Montana Nurses Association said they support this bill.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

REP. YOUNKIN thanked the committee for a good hearing and she asked for a do vote on this bill. SEN. DEPRATU said he would carry this bill on the Senate floor.

**EXECUTIVE ACTION ON HB 309**

**Motion/Vote:** SEN. CHRISTIAENS moved that HB 309 BE CONCURRED IN. Motion carried 9-0.

**HEARING ON HB 354**

**Sponsor:** REP. BOB LAWSON, HD 80, WHITEFISH

**Proponents:** Deborah Swingley, Developmental Disabilities Planning and Advisory Council  
Wally Melcher, Developmental Disabilities Planning and Advisory Council

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. BOB LAWSON, HD 80, WHITEFISH** introduced HB 354. This bill would amend the composition of the Developmental Disabilities Planning and Advisory Council. He said he has represented the Montana State House of Representatives on Montana Developmental Disabilities Advisory Council for the past four years. This bill is required to meet the new federal membership requirements.

**Proponents' Testimony:**

**Deborah Swingley, Developmental Disabilities Planning and Advisory Council** said the Council is 100 percent federally funded. The Council currently is composed of 27 members, and with the new federal requirements the number would increase to 29 members.

**Wally Melcher, Past Chairman, Developmental Disabilities Planning and Advisory Council** said he rose in support of this bill. It is a positive move and it mirrors the federal legislation.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. DON HARGROVE** asked if there was a need for public members to serve on the Council. **REP. LAWSON** said he thought there was a great representation of public members. Most of the people on the Council are members from the public. They may be connected to the folks who have developmental disabilities, but very few of them represent organizations, providers, or government agencies.

**SEN. HARGROVE** said he thought the Council should have someone who has no connection and is objective and would represent the non-involved taxpayer.

**SEN. CHRIS CHRISTIAENS** asked about attendance at board meetings. **REP. LAWSON** said they have four meetings a year and the attendance averages 15 - 17. Traditionally the poorest attenders are those representing state agencies.

**SEN. CHRISTIAENS** wondered if this advisory council had looked at consolidating with another advisory council. **Ms. Swingley** said in their case, that would be very inappropriate, because they do have specific federal guidelines.

**SEN. BISHOP** asked if the tribal governments been clued in on this. **Ms. Swingley** said the Council has Native American representation on it.

**Closing by Sponsor:**

**REP. LAWSON** thanked the committee for a good hearing. He said if this bill passed out of committee, **SEN. BEA MCCARTHY** would carry this on the floor.

**HEARING ON HJ 1**

**Sponsor:** **REP. MATT MCCANN, SD 92, HARLEM**

**Proponents:** **Jim Jacobsen, Montana Veteran Affairs Division**  
**Dan Antonietti, Veteran's of Foreign Wars**  
**Randy Poulson, DPHHS**  
**Hal Manson, American Legion**  
**Jani McCall, Deaconess Billings Clinic**  
**Sami Butler, Montana Nurses Association**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. MATT MCCANN, SD 92, HARLEM** introduced HJ 1. He said this is a resolution providing for a Mental Health Services Oversight Committee of the Legislative Finance Committee for the 2001-01 interim. This resolution came out of the Finance Committee. He said he did have one concern and asked this committee to look at this. If there is going to be more than one mental health oversight committee, maybe they could be combined. He said he would prefer to have one committee.

**Proponents' Testimony:**

**Jim Jacobsen, Montana Veteran Affairs Division** said they support this resolution.

**Dan Antonietti, Veteran's of Foreign Wars** said they are in support of this resolution.

**Randy Poulson, DPHHS** wanted to express the support on behalf of the DPHHS for this resolution.

**Hal Manson, American Legion** said as an organization, they are concerned about veteran's mental health and support this resolution.

**Jani McCall, Deaconess Billings Clinic** said they are in favor of this resolution.

**Sami Butler, Montana Nurses Association** said they support this resolution.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. EVE FRANKLIN** asked who would be the members of this committee. **REP. MCCANN** said on page two of this resolution it includes the makeup of this committee.

**SEN. EMILY STONINGTON** asked what other oversight committee is there. **Mr. Poulson** said there is also the Mental Health Oversight Advisory Council (MHOAC).

**SEN. STONINGTON** asked if this committee could dovetail with the MHOAC. **Mr. Poulson** said in the next two years the MHOAC would be advising more on the regional restructuring of the mental health system. He said the committee set up by this resolution would be looking at the state in a much broader perspective.

***{Tape : 1; Side : A; Approx. Time Counter : 0}***

**SEN. STONINGTON** said he had indicated he would like to see one mental health committee. How would you see us resolving this, since the MHOAC is statutory. **REP. MCCANN** said this is strictly his own opinion. If there is one committee, everyone would know how much money there was, what direction the committee was going to go, and what the problems are. He felt you would have better planning, better oversight and better understanding, if you had one committee.

**Closing by Sponsor:**

**REP. MCCANN** closed.

**HEARING ON HB 411**

**Sponsor:** **REP. CHRISTOPHER HARRIS, HD 30, BOZEMAN**

**Proponents:** John Connor, Attorney General's Office  
Barbara Harris, Attorney General's Office

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. CHRISTOPHER HARRIS, HD 30, BOZEMAN** introduced HB 411. This bill would revise the authority of the Medicaid Fraud Control Unit. This would allow the investigation of fraud in non-Medicaid facilities.

**Proponents' Testimony:**

**John Connor, Attorney General's Office** said his office houses the Medicaid Fraud prosecutor's operation. He said his unit is reactive. His office get the calls from the county attorney's office to handle the cases they cannot handle. He said they had been rather naive in this state by not realizing the extent to which elder abuse exists. This bill was simply a technical change to accommodate federal law, he said.

**Barbara Harris, Attorney General's Office** said she has been working on Medicaid fraud since 1996. The unit has prosecuted 14 cases and has investigated 42 of 55 referrals. This bill is intended to bring them into compliance with federal law. She passed out a copy of her testimony and the changes already in the bill **EXHIBIT (phs48a01)**.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. CHRIS CHRISTIAENS** asked how do they investigated a problem. **Ms. Harris** said if there is Medicaid money, they generally go in with the DPHHS. If there is not any Medicaid money, they need to have a request for an investigation from the local law enforcement agency.

**Closing by Sponsor:**

**REP. HARRIS** said this is a very worthwhile bill. It would indicate to our senior citizens that we do care. He asked the committee to pass this bill.

**EXECUTIVE ACTION ON HB 411**

**Motion/Vote:** SEN. JOHNSON moved that HB 411 BE CONCURRED IN.  
Motion carried 9-0.

SEN. STONINGTON will carry this bill.

**EXECUTIVE ACTION ON HB 354**

**Motion/Vote:** SEN. CHRISTIAENS moved that HB 354 BE CONCURRED IN.  
Motion carried 9-0.

SEN. MCCARTHY will carry this bill.

**ADJOURNMENT**

Adjournment: 4:45 P.M.

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SEN. AL BISHOP, Chairman

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JEANNE FORRESTER, Secretary

AB/JF

**EXHIBIT (phs48aad)**